

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

TOWN OF FLORENCE, a political  
subdivision of the State of Arizona;  
SWVP-GTIS MR, LLC, a Delaware  
Limited Liability Company,

Petitioners,

vs.

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY, SCOTT PRUITT,  
administrator, United States  
Environmental Protection Agency,  
ALEXIS STRAUSS, Acting Regional  
Administrator, United States  
Environmental Protection Agency  
Region 9,

Respondents.

Docket No. \_\_\_\_\_

**PETITION FOR REVIEW**

Pursuant to 42 U.S.C. § 300j-7(a), 5 U.S.C. § 704, and Rule 15 of the Federal Rules of Appellate Procedure, Petitioners, the Town of Florence and SWVP-GTIS MR, LLC (collectively “Petitioners”) hereby petition the Court for review of the U.S. Environmental Protection Agency’s final agency action regarding a Class III Underground Injection Control (“UIC”) Permit, No. R9UIC-AZ3-FY11-1 (“Permit”), originally issued by EPA Region 9 to Florence Copper Inc. on December 20, 2016 for an In-Situ Copper Production Test Facility (“PTF”), and appealed by the Petitioners. On September 22, 2017, the Environmental Appeals Board rejected Petitioners’ petition for review of the Permit. By letter dated September 29, 2017, with an issuance date of October 13, 2017, Region 9 issued its Notice of Final Permit Decision, a copy of which is attached as Exhibit 1.

DATED: November 22, 2017

s/ Jessica L. Beckwith

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s/ Barbara U. Rodriguez-Pashkowski

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Barbara U. Rodriguez-Pashkowski  
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Attorneys for the Petitioner Town of  
Florence

## **CERTIFICATE OF SERVICE**

On November 22, 2017, pursuant to Rules 3(d) and 15(c)(1) of the Federal Rules of Appellate Procedure, a copy of the foregoing was mailed by First Class Mail, postage prepaid to the following persons who were admitted to participate in the agency proceedings:

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Pursuant to Rule 15(c) of the Federal Rules of Appellate Procedure, the Circuit Clerk will cause, on November 22, 2017 a copy of the Petition for Review to be served on each of the following:

Alexa Engelman  
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U.S. EPA Region 9  
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s/ Jessica L. Beckwith

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## **EXHIBIT 1**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

OFFICE OF THE  
REGIONAL ADMINISTRATOR

**NOTICE OF FINAL PERMIT DECISION**

**Final Permit Decision for Class III In-Situ Production of Copper**  
**Permit No. R9UIC-AZ3-FY11-1**  
**For the Florence Copper Production Test Facility**

**Issuance Date: October 13, 2017**

In accordance with the requirements of the Code of Federal Regulations (C.F.R.), Title 40 § 124.19(l), the United States Environmental Protection Agency, Region 9 (EPA) is issuing the final Class III Underground Injection Control (UIC) Permit, No. R9UIC-AZ3-FY11-1, to Florence Copper, Inc. for an In-Situ Copper Production Test Facility (PTF). The final UIC Permit and a copy of this notice is available on EPA's web page at <https://www.epa.gov/uic/uic-permit-materials-florence-copper-inc>.

This Permit was originally issued on December 20, 2016, and was subsequently appealed to the Environmental Appeals Board (EAB) for review under 40 C.F.R. § 124.19. The Permit was stayed pending review by the EAB. After review of briefs filed in the appeal and oral argument, the EAB issued an order denying the petitions for review of the Permit on September 22, 2017.

The issuance date of the final UIC Permit is two weeks after the date this notice is signed, per 40 C.F.R. § 23.7. This issuance date operates as the final agency action for purposes of judicial review under 42 U.S.C. § 300j-7 and 5 U.S.C. § 704. Pursuant to 40 C.F.R. § 144.39, EPA is concurrently revoking the existing Class III Permit no. AZ396000001.

Signed,

A handwritten signature in cursive script, reading "Alexis Strauss", is written over a horizontal line.

Alexis Strauss  
Acting Regional Administrator

A handwritten date "29 September 2017" is written in cursive script over a horizontal line.

Date